

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :10903 of 2002

DATED: 16.02.2006

Between:

The Depot Manager,
APSRTC, Jagtial Depot, Karimnagar petitioner

And

Sk Ghouse Pasha and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 10903 OF 2002.

ORAL ORDER:

The present writ petition is filed by the Depot Manager, APSRTC, Jagtial depot challenging the award passed in I.D. No. 132 of 2000 dated 20.8.2001.

The first respondent is concerned workman and claims that he was engaged by the writ petitioner establishment for washing and cleaning of buses through contractor from 2.8.1998 to 11.12.1999. He was removed from services w.e.f. 12.12.1999. Questioning the said removal, he raised an Industrial Dispute in I.D. No. 132 of 2000 on the file of the Industrial Tribunal cum Labour Court, Godavarikhani. The Labour Court on consideration of the matter, passed an award dated 20.08.2001 allowing the petition directing reinstatement into service as cleaner. Questioning the said award, the present writ petition was filed.

When the matter is taken up, learned counsel for petitioner submitted that the question raised in the present writ petition is covered by decision of this Court in batch of writ petition in W.P. No.10868 of 2002 and batch dated 5.4.2005 remanding the matter to the Labour Court for fresh consideration and disposal on merits. Learned counsel for 1st respondent-workman also admitted the same.

This Court in similar matters in W.P. No.10868 of 2002 and batch by order dated 5.4.2005 set aside the award passed by the Industrial Tribunal and remanded the matter to the Industrial Tribunal for fresh consideration. The operative portion reads as under;

*“.....Since the first respondent in all the cases were disengaged from the service without following the procedure, they were reinstated. Apparently the said order was made relying on the principles laid down by the Supreme Court in **All India Statutory Corporation V United Labour Union** holding that the said relationship exist. Subsequently, the Apex Court has considered the said decision once again. In **Steel Authority of India Ltd Vs.National Union Water Front Workers** the Apex Court over-ruled the very basic principle. The decision of the Apex Court was on 30.8.2001 whereas all these awards have been passed on 20.8.2001 prior to the decision of the Apex Court. In view of the same, the very basis for which the 2nd respondent sought to proceed is no longer valid under the law and accordingly the matters require for re-consideration afresh as to whether the 1st respondent in all these cases are entitled to any relief.*

Accordingly, all the writ petitions are allowed setting aside the impugned orders. The matters are remitted to the 2nd respondent for fresh consideration and disposal on merits in accordance with law after giving notice and opportunity to both sides and permit them to lead any further evidence either oral or documentary, if they chose to do so. After receiving the papers, the 2nd respondent shall dispose of the same within a period of three months. No costs.”

Having heard the learned counsel on either side and on perusal of the material available on record, it is clear that the matter is squarely covered by the order of this Court in W.P. 10868 of 2002 and batch dated 5.4.2005. Hence, following the order dated 5.4.2005 in W.P. No. 10868 of 2005 and batch, the impugned award in I.D.No.132 of 2000 is hereby set aside and the matter is remitted back to 2nd respondent for fresh disposal on merits and in accordance with law, after affording

reasonable opportunity to both sides.

Accordingly, the writ petition is allowed. No costs.

N.V.RAMANA,J

16.02.2006

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